IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 20822 of 2004

Between:

B.M.Reddy, s/o Ram Reddy, aged 36 years,

Conductor (E-255699) APSRTC,

Nalgonda Bus Depot, Nalgonda.

..... PETITIONER

AND

The Depot Manager, APSRTC,

Nalgonda Bus depot, Nalgonda.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent in imposing the punishment of postponement of annual increment for a period one year which shall have effect on petitioner's future increments without conducting a regular enquiry as bad, arbitrary, illegal, unjust, unreasonable and contrary to the judgments of this Hon'ble Court and apex court and set aside the final order No.02/62(45)/94-NLG dated 13-2-1995 of the respondent herein.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondent: MR.V.T.M.PRASAD

The Court made the following:

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ORDER:

The petitioner is working as a Conductor in the respondent Corporation. He was issued a charge memo for an irregularity in collecting fare and issuing tickets to the passengers. He submitted his explanation. The respondent passed an order on 12.02.1995, without conducting any enquiry, by imposing a penalty of deferment of annual increment for a period of one year, which shall have effect on future increments of the petitioner.

2. The grievance of the petitioner is that since it is a major punishment, it cannot be imposed without holding an enquiry and giving an opportunity to the petitioner. Therefore, he approached this Court through this writ petition seeking to declare that the action of the respondent is illegal and to direct the respondent to add the deferred increment.

3. It is a well settled law that the denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of relevant service regulations.

4. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of one year with cumulative effect, imposed by the respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of one year without cumulative effect. The petitioner is not entitled for the difference of the amount if any from the date of punishment till the date of this order by virtue of this Order, but he is entitled to get the increment calculated on notional basis and he is entitled for the monetary benefit from the date of this Order.

5. The writ petition is, accordingly, disposed of. No costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Depot Manager, APSRTC,

Nalgonda Bus Depot, Nalgonda

2. Two CD copies.